



**Oak Ridge Reservation
Local Oversight Committee**

December 19, 2005

Mr. James P. Bearzi
New Mexico Hazardous Waste Bureau
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505

COPY



Subject: NMED Public Notice No. 05-16, November 23, 2005 – Concerning Intent to approve a Class 3 modification to the Hazardous Waste Facility Permit for the Waste Isolation Pilot Plant, Carlsbad, NM, EPA ID No. NM4890139088

Dear Mr. Bearzi:

The Citizens' Advisory Panel (CAP) of the Oak Ridge Reservation Local Oversight Committee, Inc. (LOC) provides the following comment on the subject proposed action by New Mexico Environment Department (NMED).

The CAP agrees with NMED's proposal to approve the modification requests to the draft Hazardous Waste Facility Permit for WIPP. NMED clearly explains the reasoning behind each modification request and how human health and safety will remain protected. Regarding the non-approval of performance of Section 311 confirmation activities at WIPP and the accompanying designation of holding areas for TRU mixed wastes, the CAP will not object if at a later date DOE is able to meet the burden of proof established by NMED.

The Oak Ridge Reservation has the largest inventory by curies of the remote-handled (RH) TRU waste in the DOE complex that is scheduled to be disposed of at WIPP. In east Tennessee, TRU waste is a high-risk waste stream due to the wet climate and dense regional population. Oak Ridge is operating an on-site Transuranic Waste Treatment Facility at which TRU waste is prepared for disposal at WIPP. Transportation and appropriate disposal of RH TRU from the Oak Ridge Reservation will reduce the risks to human health and safety posed by the ongoing presence of these wastes.

The LOC is a non-profit regional organization funded by the State of Tennessee and established to provide local government and citizen input into the environmental management, decision-making and operation of the U.S. Department of Energy Oak Ridge Reservation. The Board of Directors of the LOC is composed of elected and appointed officials from the City of Oak Ridge and the seven counties surrounding and downstream of the ORR, and the chair of the CAP. The CAP is a stakeholder organization with up to 20 members with diverse backgrounds who represent the greater

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ORR region; the CAP supports Board interests by reviewing and providing recommendations on DOE decisions and policies.

We appreciate the opportunity to comment on the proposed action. The CAP is pleased that NMED has proposed approval of permit modifications which will allow disposal of RH TRU. Should you have any questions, please contact the LOC office at 865-483-1333.

Sincerely,



Norman A. Mulvenon
Chair, LOC Citizens' Advisory Panel

cc: LOC Register

LOC Board

LOC CAP

Gerald Boyd, Manager, DOE ORO

Steve McCracken, Assistant Manager for EM, DOE ORO

John Owsley, Director, TDEC DOE-O

Pat Halsey, FFA Coordinator, DOE ORO

Jeff Crane, FFA Project Manager, EPA Region 4

Amy Fitzgerald, City of Oak Ridge

Kerry Trammell, Chair, ORSSAB